

# SENATE BILL REPORT

## HB 1793

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As Reported By Senate Committee On:  
Judiciary, March 21, 2007

**Title:** An act relating to removing the limit on the number of cities eligible for indigent defense grants through the office of public defense.

**Brief Description:** Removing the limit on the number of cities eligible for indigent defense grants through the office of public defense.

**Sponsors:** Representatives Lantz, Hinkle, Springer, Rodne, O'Brien, Kenney, Schual-Berke, Clibborn, Newhouse, Lovick, Williams, Dickerson, McIntire, Appleton, Hasegawa, Ericks, Roberts, Wood and Moeller.

**Brief History:** Passed House: 3/07/07, 94-0.

**Committee Activity:** Judiciary: 3/21/07 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Murray, Roach and Weinstein.

**Staff:** Juliana Roe (786-7405)

**Background:** Criminal defendants determined to be indigent have a right to counsel at public expense. Generally, counties and cities are responsible for funding indigent defense costs at the trial level.

In 2005, legislation was enacted that directed the Office of Public Defense (OPD) to distribute appropriated funds to eligible cities and counties for public defense services. Local jurisdictions may apply for funds if they meet certain requirements. Funding may be terminated if OPD determines that a local jurisdiction receiving funds has not substantially complied with these requirements.

OPD is directed to distribute 90 percent of the total available funds appropriated to eligible counties, and 10 percent to no more than five eligible cities as determined by the OPD.

In 2006, the Legislature appropriated approximately \$3 million for trial-level indigent defense. Three hundred thousand dollars, ten percent of that money, was distributed to cities as follows:

Auburn - \$60,000

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Cheney - \$15,000  
Lynnwood - \$75,000  
Spokane - \$60,000  
Yakima - \$90,000

**Summary of Bill:** The limit on the number of eligible cities that can receive indigent defense money through grants administered by the OPD is removed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Last year, the Office of Public Defense had to turn down a number of applications from cities because of the five city limitation. It was disheartening not to be able to help more cities, especially when \$10,000 would be helpful to some municipalities. The money used will still depend upon appropriation, but more cities will potentially be eligible to receive funds.

**Persons Testifying:** PRO: Representative Lantz, prime sponsor; Joanne Moore, Office of Public Defense; Tammy Fellin, Association of Washington Cities.